

Interactions with Transgender, Intersex, and/or Gender Non-conforming (TIGN) Persons

344.1 POLICY

It is the policy of the Green Bay Police Department to treat all persons with the courtesy and dignity that is inherently due to every person as a human being. Members shall not exhibit any bias, prejudice or discriminate against any individual or group based on their actual or perceived sexual orientation, gender, or gender identity/expression.

344.2 PURPOSE

The purpose of this standard operating procedure is to establish the department's policy, procedures and responsibilities for interactions with transgender, intersex, and/or gender non-conforming (TIGN) persons.

344.3 DEFINITIONS

GENDER EXPRESSION-External manifestations of gender; frequently expressed through one's name, pronouns, clothing, haircut, behavior, voice, or body characteristics.

GENDER IDENTITY-An individual's internal deeply held sense of gender. Unlike gender expression, gender identity is not visible to others.

SEX- The classification of people as male or female, typically assigned at birth based on the appearance of external anatomy. Sex is often used interchangeable with gender. However, sex and gender identity are two separate notions with two separate meanings.

GENDER NON-CONFORMING-Gender expression that does not conform to cultural norms, such as traditional notions of masculinity or femininity

GOVERNMENT-ISSUED IDENTIFICATION CARD-This shall only include a Wisconsin operator's license or identification card, a passport or passport card, or state or federal government issued identification card.

INTERSEX INDIVIDUALS-An umbrella term used to describe a wide range of natural bodily variations. Intersex people are born with a reproductive or sexual anatomy and/or chromosome pattern that does not seem to fit typical definitions of "male" or "female." In some cases, intersex traits are visible at birth, while in others they are not apparent until puberty. Some intersex variations may not be visibly apparent at all. People with intersex conditions should not be assumed to be transgender. The term "hermaphrodite" is an offensive and out-of-date term that should not be used

SEXUAL ORIENTATION- A term used to describe the type of sexual, romantic, emotional, or spiritual attraction one has the capacity to feel for others, generally labeled based on the gender relationship between the person and the people to whom they are attracted. Terms commonly

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used to describe sexual orientation include lesbian, gay, bisexual, heterosexual, pansexual, or asexual.

TRANSGENDER-A term for people whose gender identity, expression, or behavior is different from those typically associated with their assigned sex at birth. "Trans" is shorthand for "transgender." Transgender is correctly used as an adjective, not a noun, thus "transgender people" is appropriate but "transgenders" is often viewed as disrespectful.

344.4 PROCEDURE FOR TREATMENT OF TIGN POPULATION

- A. If an individual self identifies as TIGN, members shall respect the expressed gender and use pronouns that are appropriate for the individual's gender presentation or the person's pronoun of choice (e.g., "she, her, hers"; "he, him, his"; or "they, them.").
- B. When requested, members shall address the individual by the name based on their gender identity rather than the name that appears on their government issued identification. Members should be aware that individuals' names may change between one interaction and the next and should use the name currently used by individuals.
- C. When a situation arises that involves the need to clarify gender identification, the member shall respectfully and discreetly inquire as to how the individual wishes to be addressed (e.g., sir, miss, ms.) and the name by which the individual wishes to be addressed. This name shall be documented as an alias if it differs from the individual's legal name. The member may also ask, "What are your pronouns?" to clarify the preference for use of she, he, they, or them.
- D. Members shall not, unless legally necessary (e.g., processing an arrest, issuing a citation or verbal or written warning), require proof of an individual's gender or challenge an individual's gender identity/expression.
- E. TIGN individuals who present a gender or name that differs from the gender and/or gender marker or name on their identification documents or in official databases typically may be expressing their gender identity. Therefore, TIGN individuals should not be presumed to have knowingly misrepresented information concerning name or gender and should not be arrested or issued a citation for obstruction solely on that basis.
- F. Members shall not request an individual during a field encounter to remove appearance related items such as wigs or clothing that conveys gender identity unless there is an articulable and specific law enforcement reason to do so.
- G. Members shall not make assumptions regarding an individual's sexual orientation based on the individual's gender or gender identity/expression.
- H. Members shall not disclose an individual's gender identity or sexual orientation to other arrestees, members of the public, or other governmental personnel, absent a proper law enforcement purpose.
- I. Absent providing details regarding a pertinent criminal investigation, members shall not disclose to parents or guardians sensitive information they discover about a juvenile's gender identity, gender expression, or sexual orientation. This information shall be kept private so as to avoid placing the juvenile at increased risk for violence.

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or rejection in the home and to allow the juvenile to choose whether to provide the information.

344.5 GUIDELINES FOR PAT DOWNS/FRISK OF TIGN POPULATION

Pat downs/frisks may be undertaken by any officer where made necessary. Emergent conditions or the lack of availability of the officer of a specific gender may be considered in determining this necessity. When reasonably possible, pat-down and or frisks should be performed by officers of the same gender as the TIGN subject identifies as. If officers of multiple genders are present, the TIGN subject should be asked which gender officer they are more comfortable with performing the pat down/frisk.

344.6 GUIDELINES FOR SEARCHES OF TIGN ARRESTEES

Guidelines for searches of TIGN arrestees can be found in policy 900.2 Custody Searches. All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search. Searches shall not be used for intimidation, harassment, punishment or retaliation.

- A. When a member has reason to believe that an individual is TIGN and search of that person is necessary and is reasonably practicable, they should respectfully and in a professional manner ask the individual their preference with respect to the gender of the searching officer. Officers should attempt to honor their wishes. If an officer of the same sex is not present, a witnessing officer should be present during the search. Officers are encouraged to use the mobile audio available to record the search.
- B. If an individual does not name a search preference, the individual's gender shall be classified as it appears on the individual's government-issued identification card or in official department databases and the search shall be conducted by any officer.
- C. Accordingly, searches may be undertaken by any officer where made necessary by these emergent conditions or the lack of availability of the officer of a specific gender.
- D. Members should be aware that the presence of needles may be indicative of prescribed hormone treatment and/or therapy and is not necessarily indicative of illegal drug possession, use, or drug paraphernalia. Also, member should be aware of, and remain professional in handling and discussing, other gender-affirming devices (breast forms, straps, and/or harnesses) that may be present when interacting with a TIGN subject.

344.7 GENDER CLASSIFICATION GUIDELINES FOR TIGN INDIVIDUALS WHO HAVE BEEN ARRESTED

- A. An arrestee's gender shall be classified as it appears on the individual's government-issued identification card.
 - 1. For the purpose of listing gender on citations, arrest reports, and other official documentation, members shall use the designation listed on the individual's government-issued identification card.

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2. For the purpose of listing the name, members shall always enter the individual's name as it appears on their government-issued identification card. If the arrestee identifies as a gender non-conforming individual using a different name, that name shall be listed in the alias section on the arrest reports
- B. In the event that a government-issued identification card is unavailable:
 1. If the member has established identification through official department databases, the name and gender from that identification shall be used. If the arrestee identifies as a gender non-conforming individual using a different name, that name shall be listed in the alias section on the arrest reports.
 2. If no government identification is established through either a government-issued identification card or through official department databases the member shall respectfully ask the individual whether they most closely identify with male or female and use that for data entry of the individual's gender
- C. When there is uncertainty regarding the appropriate classifications of an arrestee's gender or if the individual is not comfortable with either option or refuses to answer, a supervisor shall be consulted for further guidance on the appropriate classification.

344.8 DETENTION OF TIGN ARRESTEES

- A. Members transporting transgender, intersex, and/or gender non-conforming (TIGN) persons shall report the arrestee's gender identity and preferences to the Brown County Jail.
 1. Officers shall provide to jail staff any information obtained from the subject relating to how he/she/they identify, including preferred pronouns and titles.
 2. information concerning the arrestee's gender identity and preferences shall be passed on to the jail booking officers.
- B. Members should inform jail staff of any appearance-related items due to safety and security concerns (e.g., prosthetics, clothes of the presenting gender, wigs, cosmetic items). Jail staff will follow the policies and procedures set forth in their policy.
- C. While members of this department have TIGN individuals detained, they shall receive the same standards of care as other individuals based on medical needs.